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15 Attorneys for Plaintiffs

16 AUDREY G., a Minor and DEVIN G.,  
17 a Minor by and through VICTOR GRAYSON  
18 as Guardian Ad Litem, JESSE B., a Minor by  
19 and through JAMES LARRY BENTON SR.  
20 as Guardian Ad Litem, and JAMES LARRY  
21 BENTON, SR. in his Individual Capacity

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28 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

AUDREY G., a Minor and DEVIN  
G.. a Minor by and through  
VICTOR GRAYSON as Guardian  
Ad Litem, JESSE B., a Minor by  
and through JAMES LARRY  
BENTON, SR. as Guardian Ad  
Litem, and JAMES LARRY  
BENTON, SR. in his Individual  
Capacity,

Plaintiffs,

V.

CITY OF LAFAYETTE, OFFICER

Case No.: 3:21-cv-03545-WHO

**STIPULATION AND PROPOSED-  
ORDER TO CONTINUE HEARING  
DATE ON DEFENDANTS' MOTION  
TO DISMISS PLAINTIFFS' THIRD  
AMENDED COMPLAINT**

Date: June 1, 2022 (currently set)

Time: 2:00 P.M.

Crtrm: 2, 17th Floor

Judge: Hon. Judge William H. Orrick

1  
2 KEVIN WHITE, OFFICER NEIL  
3 BLACK, CONTRA COSTA  
4 COUNTY, DOES 1 - 10,  
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Defendants.

10 The Parties to this action by and through their undersigned counsel hereby stipulate to the  
11 following:

12 1. WHEREAS, Defendants filed a Motion to Dismiss Plaintiffs' Third Amended  
13 Complaint ("MTD"), ECF No. 39, which noticed hearing on the motion for June 1, 2022 at 2:00  
14 P.M. in Northern District of California, Crtrm. 2, 17th Floor before the Honorable Judge William  
H. Orrick and the MTD has been fully briefed since May 3, 2022.

15 2. WHEREAS, counsel for Plaintiffs are unavailable for appearance on the currently  
16 noticed hearing date for the MTD of June 1, 2022 at 2:00 P.M.;

17 3. WHEREAS, the next available date on the Court's civil law and motion calendar  
18 that counsel for Plaintiffs are available for hearing on the MTD is June 15, 2022 at 2:00 P.M.;

19 Based on the foregoing, the Parties stipulate and respectfully request that, if the Court does  
20 not adjudicate the MTD on the briefs and submit the matter without hearing, the hearing on the  
21 MTD be continued to June 15, 2022 at 2:00 P.M.

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STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE DEFENDANTS' MOTION TO DISMISS THIRD  
AMENDED COMPLAINT HEARING DATE - Case No.: 3:21-cv-03545-WHO

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

2 Plaintiffs' Counsel:

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4 Ryan P. Knutson, Attorney for Plaintiffs  
5 AUDREY G., a Minor and DEVIN G., a  
6 Minor by and through VICTOR GRAYSON  
7 as Guardian Ad Litem, JESSE B., a Minor by  
8 and through JAMES LARRY BENTON SR. as  
9 Guardian Ad Litem, and JAMES LARRY BENTON,  
10 SR. in his Individual Capacity.

11 Defendants' Counsel:

12 SEAN M. RODRIGUEZ /S/  
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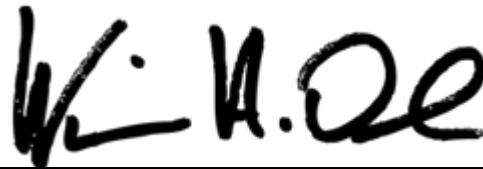
14 SEAN M. RODRIGUEZ  
15 Deputy County Counsel  
16 Attorney for Defendants  
17 COUNTY OF CONTRA COSTA, CITY OF  
18 LAFAYETTE, AND OFFICER KEVIN WHITE

19 **[PROPOSED ORDER]**

20 **IT IS HEREBY ORDERED** that, pursuant to the stipulation of the parties above, the  
21 stipulation is approved and the hearing on Defendants' Motion to Dismiss is continued to June  
22 15, 2022 at 2:00 P.M., absent further order from the Court vacating the hearing date and  
23 submitting the matter on the briefs.

24 IT IS SO ORDERED.  
25

26 Dated: May 23, 2022  
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28   
29 Hon. William H. Orrick  
30 UNITED STATES DISTRICT JUDGE